



Wichita-Sedgwick County Metropolitan Area Planning Department

July 26, 2017

Maisch Family LP
1940 S Oliver
Wichita, KS 67218

Halliday Properties LC
PO Box 161085
Wichita, KS 67216

Robert W. Kaplan
301 N. Main Ste. 1600
Wichita, KS 67202

RE: ZON2017-00008 & CON2017-00022 – City zone change request from MF-29 Multi-Family Residential to LC Limited Commercial and a Conditional Use to allow outdoor food and beverage service on property located at the southeast corner of South Seneca and West Irving

Dear Applicants

At its regular meeting on **July 25, 2017**, the Wichita City Council considered the above captioned request. The action of the Council was to **APPROVE** the request subject to the following conditions:

- (1) Screening of the outdoor patio shall be in compliance with Sec. III-E.w of the UZC.
- (2) Trash receptacles shall be screened
- (3) The site shall be developed and maintained in conformance with the approved site plan.
- (4) No outside loudspeakers or outdoor entertainment is permitted.
- (5) The site shall maintain all necessary licenses for a nightclub in the city.
- (6) The site shall conform to all applicable codes and regulations to include but not limited to zoning, building, fire and health.
- (7) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

RE: ZON2017-00008 & CON2017-22 – City zone change request from MF-29 Multi-Family Residential to LC Limited Commercial and a Conditional Use to allow outdoor food and beverage service on property located at the southeast corner of South Seneca and West Irving

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

D.M. Clements for KLM

Kathy L. Morgan
Senior Planner
Current Plans Division

Copies to: MABCD
Council Member District IV, Jeff Blubaugh
CSR District VI, Rebecca Fields
Jeff Van Zandt, City Law
Julianne Kallman, Engineering

CONDITIONAL USE RESOLUTION NO. CON2017-00022

17-248

WHEREAS, Maisch Family LP and Halliday Properties LLC (owners); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for an Outdoor Patio with Food and Beverage service on 0.46 acre zoned LC Limited Commercial ("LC") described as:

Lot 4, Parker's Addition to Wichita, Sedgwick County, Kansas.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of June 22, 2017, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Wichita City Council that this application be approved to allow a Conditional Use for a nightclub in the City in LC Limited Commercial ("LC") described as:

Lot 4, Parker's Addition to Wichita, Sedgwick County, Kansas. TOGETHER WITH Lot 1, Laughlin-Kennedy Addition to Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

- (1) Screening of the outdoor patio shall be in compliance with Sec. III-E.w of the UZC.
- (2) Trash receptacles shall be screened
- (3) The site shall be developed and maintained in conformance with the approved site plan.
- (4) No outside loudspeakers or outdoor entertainment is permitted.
- (5) The site shall maintain all necessary licenses for a nightclub in the city.
- (6) The site shall conform to all applicable codes and regulations to include but not limited to zoning, building, fire and health.
- (7) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 25 Day of July 2017

Jeff Longwell
Jeff Longwell, Mayor

ATTEST:

Karen Sublett

Karen Sublett, City Clerk



Approved as to form: *Jennifer Magaña*
Jennifer Magaña, City Attorney and Director of Law

Agenda Report No. II-

City of Wichita
City Council Meeting
July 25, 2017

TO: Mayor and City Council

SUBJECT: ZON2017-00008 and CON2017-00022 – City Zone Change from MF-29 Multi-Family Residential (MF-29) to LC Limited Commercial (LC) and a Conditional Use to Allow a Nightclub and Outdoor Patio for Food and Beverage Service Located at the Southeast Corner of West Irving Avenue and South Seneca Street (District IV)

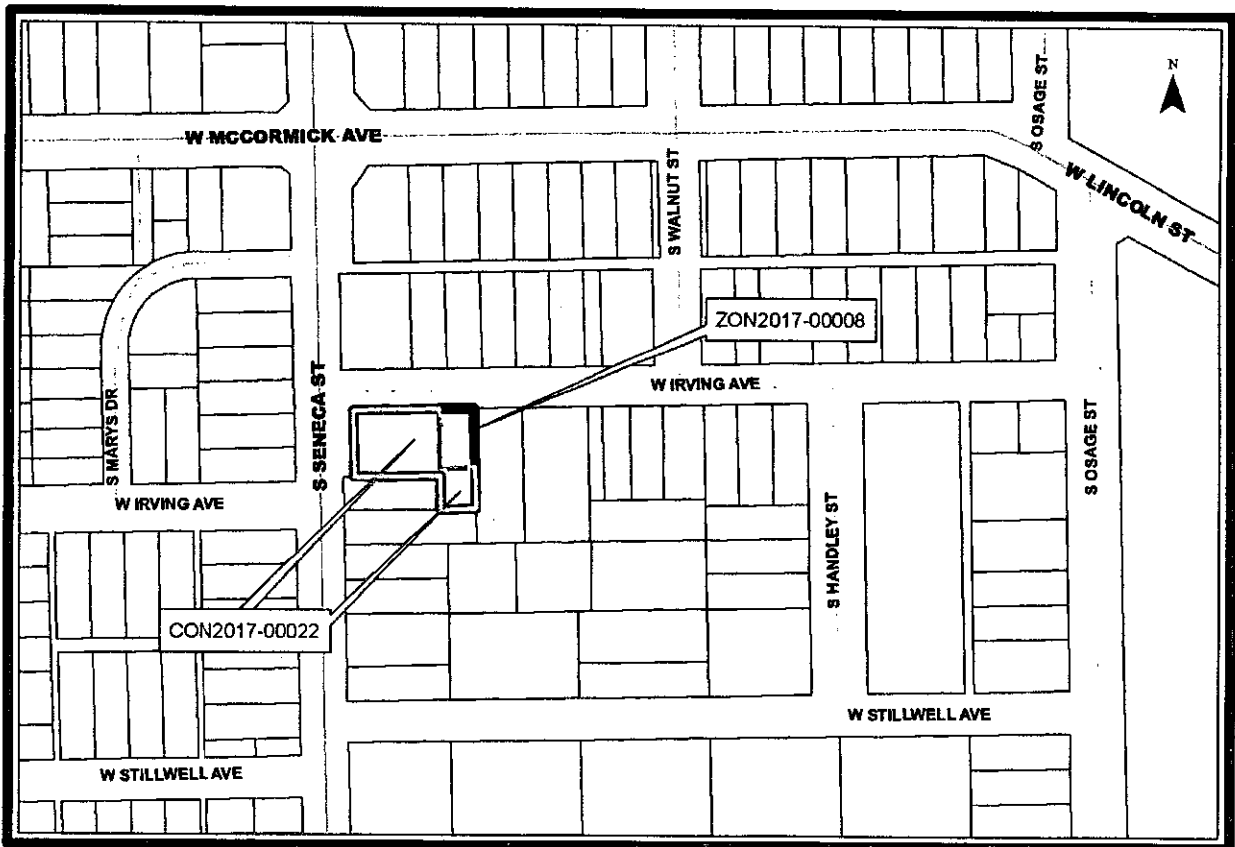
INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (10-0).

DAB Recommendation: District Advisory Board IV recommended approval of the request (9-0).

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request.



Background: The applicants are requesting rezoning of the vacant property located immediately east of Champs Bar and Grill, located at 1106 South Seneca Street, from MF-29 Multi-Family Residential (MF-29) to LC Limited Commercial (LC) in order to provide an outdoor patio for the existing drinking establishment. The applicant is also applying for a Conditional Use to allow outdoor food and beverage in conformance with the Unified Zoning Code (UZC). The property at 1106 South Seneca is developed with a one-story, masonry commercial building built in 1966. The zone change will allow the applicant to provide a 50-foot by 60-foot patio area that allows beverage and food service and create an outdoor smoking area. No sound systems or live music will be allowed on the patio.

When a tavern, drinking establishment or nightclub is located within 300 feet of a church or place of worship, public park, public or parochial school or residential zoning district, approval of a Conditional Use is required; Unified Zoning Code (UZC), Sec.III-D6.w. MF-29 zoned properties developed with single-family residences are located immediately adjacent to the subject property. There is no history of a Use Exception or Conditional Use for a tavern, drinking establishment or nightclub on the subject property. However, the applicant has stated that the subject property has been either a tavern, drinking establishment or nightclub most of its time from 1966 to the present.

Property west of the subject site is zoned LC and is developed with a commercial brick building in which the existing drinking establishment is located. Properties north, south and east of the site are zoned MF-29 and are developed with single-family residences.

Analysis: On June 22, 2017, the Metropolitan Area Planning Commission (MAPC) recommended approval of the request (10-0). The minutes of the MAPC hearing are attached.

On July 10, 2017, District Advisory Board (DAB) IV reviewed the application and recommended approval (9-0). The report of DAB IV is attached.

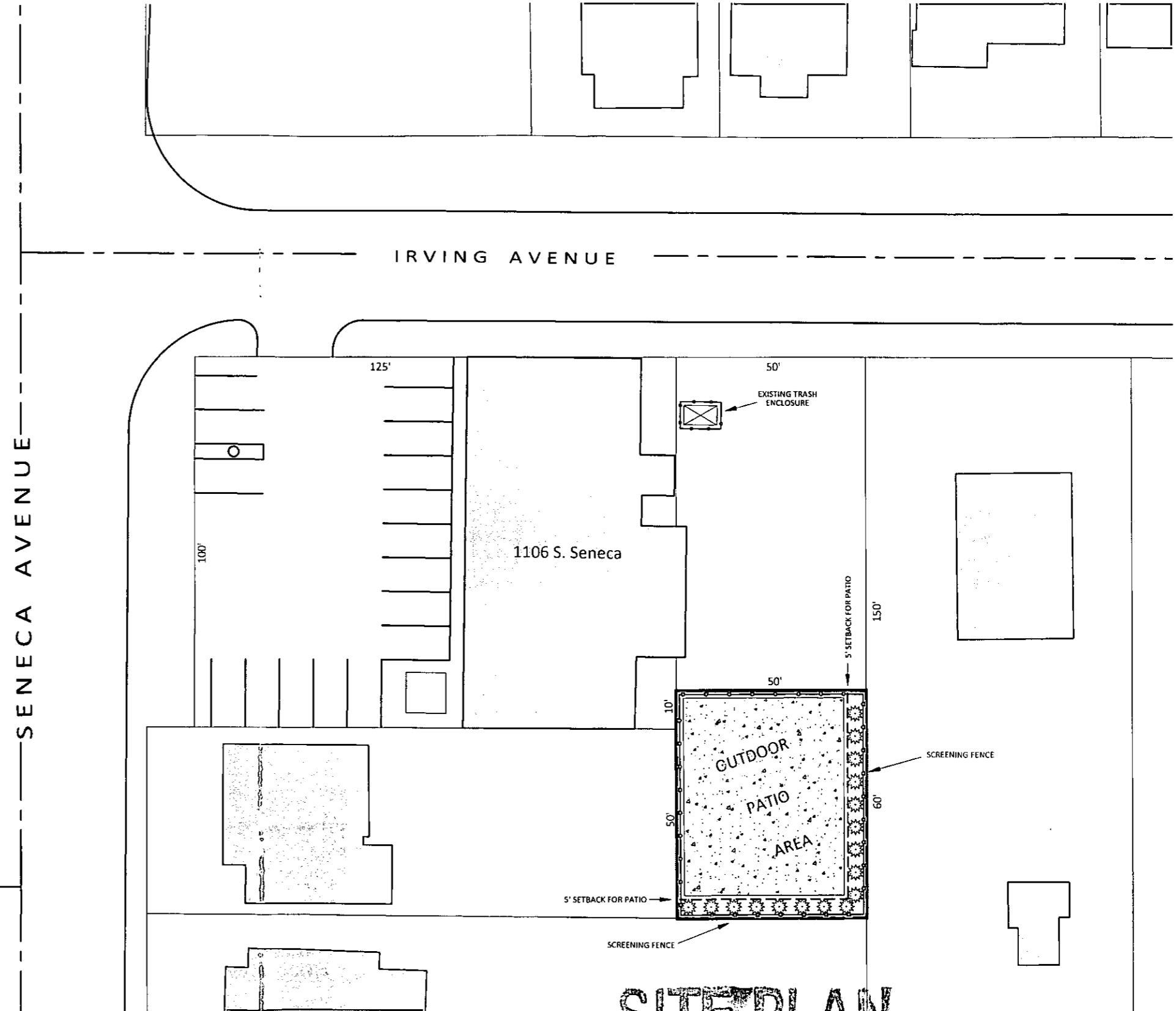
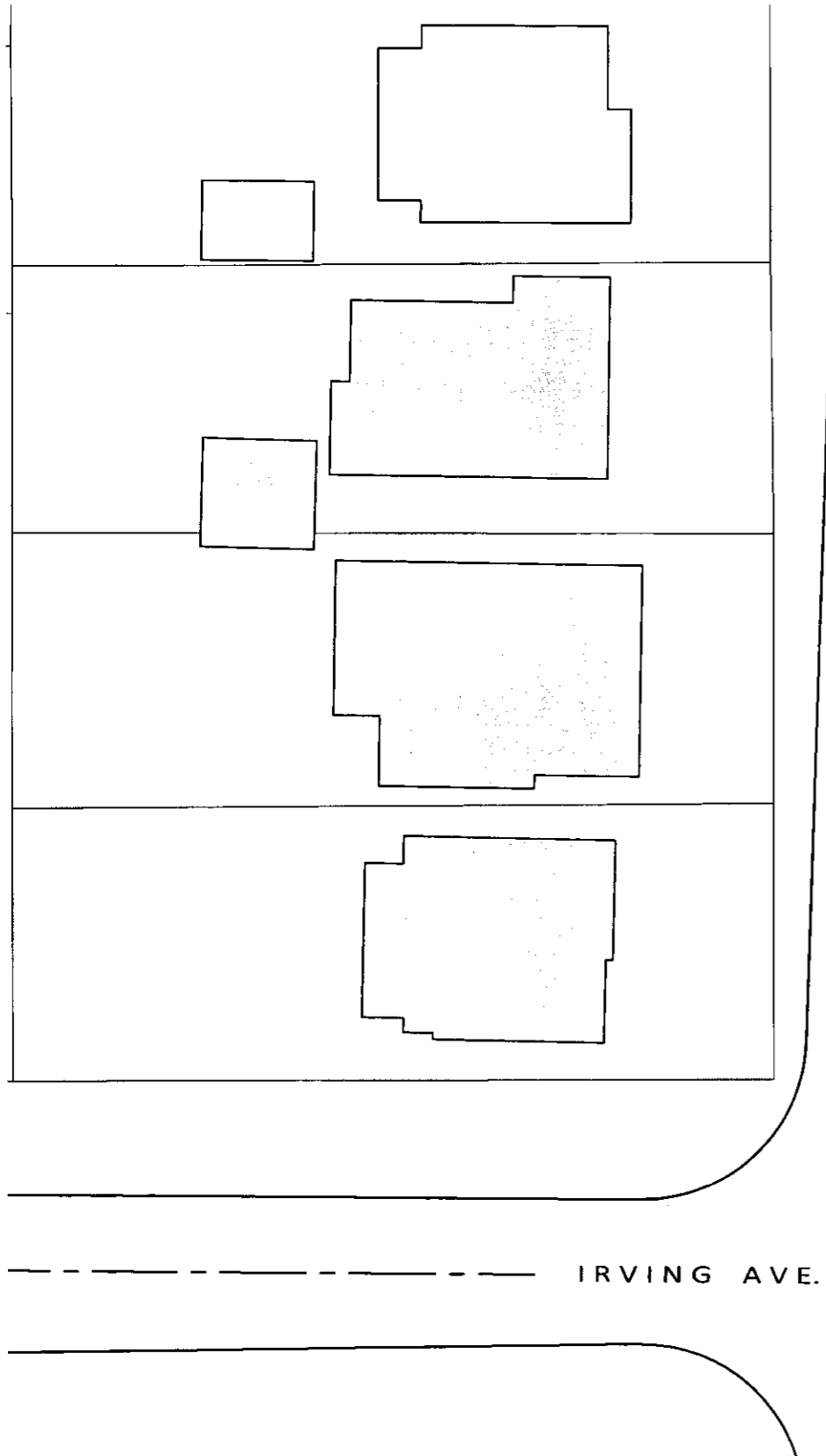
No protests were received. The request can be approved with a simple majority vote.


Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the requested zone change and place the ordinance on first reading, authorize the necessary signatures, and instruct the City Clerk to publish the ordinance after approval on second reading and approve the Conditional Use Resolution (requires four of seven votes).

Attachments: MAPC minutes
DAB IV Report
Ordinance
Resolution




 SCALE: 1" = 30'

CON2017-22 SITE PLAN
 1106 SOUTH SENECA

SITE PLAN

APPROVED 7/25/17 BY [Signature]

REVISED: 06/12/17

